

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB519)

Received: **1/21/2014** Received By: **jkuesel**
Wanted: **As time permits** Same as LRB:
For: **Frederick Kessler (608) 266-5813** By/Representing: **Christina Tenuta**
May Contact: Drafter: **jkuesel**
Subject: **State Finance - claims agnst st** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Kessler@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Judgments vacated based on DNA evidence

Instructions:

Per attached E mail, 1/16/14, #1.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 1/22/2014			_____			
/1		jdyer 1/23/2014	jmurphy 1/23/2014	_____	mbarman 1/23/2014	mbarman 1/23/2014	

FE Sent For:

<END>

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/? jkuesel

1/23 jld

Jan 23

FE Sent For:

<END>

Kuesel, Jeffery

From: Tenuta, Christina
Sent: Thursday, January 16, 2014 3:37 PM
To: Kuesel, Jeffery
Subject: Amendments to AB 519 & 534

Dear Attorney Kuesel,

Rep. Kessler would like to make the following three amendments to both AB 519 and AB 534.

1. If a judgment is vacated by a court, based on DNA evidence, then the court must include that fact in its finding.
2. If DNA evidence is used to exonerate a defendant, the burden shifts to the DA under the claim process.
3. Burden of proof is no longer clear and convincing, but rather preponderance of the evidence – the civil burden.

Please feel free to call if you have any questions or need further clarification. Thank you.

Sincerely,

Christina

Christina M. Tenuta, J.D.
Office of Wisconsin State Representative Frederick P. Kessler, 12th Assembly District
608-266-5813

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(a)1.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1487/1

PJH:.....

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jld

SOON

ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 519

1-22-14

1 At the locations indicated, amend the bill as follows:

2 1. Page 10, line 23: ✓ after that line insert:

3 "SECTION 14m. ✓ 808.08 (2m) ✓ of the statutes is created to read:

4 808.08 (2m) If the trial judge enters an order under this section ✓ vacating a
5 judgment of conviction, judgment of not guilty by reason of mental disease or defect,
6 or adjudication of delinquency in whole or in part because of the results of forensic
7 deoxyribonucleic ✓ acid testing, the judge shall include that reason in his or her order." ✓

8 2. Page 12, line 1: before that line insert: ✓

9 "SECTION 15m. ✓ 974.07 (10) (a) 1. ✓ of the statutes is amended to read:

10 974.07 (10) (a) 1. An order setting aside or vacating the movant's judgment of
11 conviction, judgment of not guilty by reason of mental disease or defect, or
12 adjudication of delinquency. If the court vacates the judgment of conviction,
13 judgment of not guilty by reason of mental disease or defect, ✓ or adjudication of

1 delinquency, the order shall specify that the judgment or adjudication is vacated
2 because of the results of forensic deoxyribonucleic acid testing ordered under this
3 section.” ✓

History: 2001 a. 16; 2005 a. 60; 2007 a. 20 s. 9121 (6) (a); 2009 a. 28; 2011 a. 38.

4 (END)